

December 27, 2018

Ms. Juliette Voinov Kohler
Secretariat of the Basel Convention
c/o Palais des Nations
8-14, avenue de la Paix
1211 Geneva 10
Switzerland

Norwegian Ministry of Climate and
Environment
P.O. Box 8013 Dep
NO-0030 OSLO
Norway

Via electronic mail: juliette.kohler@brsmeas.org, postmottak@kld.dep.no

Re: Proposals to amend annexes II, VIII and IX of the Basel Convention to be considered at the fourteenth meeting of the Conference of the Parties

Dear Ms. Kohler,

The World Plastics Council (WPC) and American Chemistry Council (ACC) appreciate the opportunity to comment on Norway's *Proposals to amend annexes II, VIII and IX of the Basel Convention to be considered at the fourteenth meeting of the Conference of the Parties*.

We represent plastic resin manufacturers from across the globe and work closely with users, processors, transporters, converters, and recyclers of plastic materials. WPC and ACC are committed to a healthy ocean and the environmentally sound management of post-use plastic materials whether destined for recycling or final disposal. WPC, ACC, and our association allies in other countries are taking steps to eliminate plastic waste in the environment. In fact under the Declaration of the Global Plastic Associations for Solutions on Marine Litter¹ we have launched 355 different projects to reduce marine litter. ACC has also partnered with Ocean Conservancy and joined Circulate Capital which has committed over \$100 million for waste management and recycling infrastructure development in marine litter source countries. We are concerned that the Norway proposal will make it more difficult to solve the marine litter challenge. For these and other reasons, our members have direct and compelling interest in the proposal.

Sources of Plastic Marine Litter

Studies show the vast amount of waste that reaches the ocean is a result of inadequate waste collection and illegal dumping, primarily in rapidly emerging economies. The extent of this problem is reinforced by a World Bank and Embassy of Norway report finding that within one of the leading national sources of marine debris only 45-50% of the country's urban solid waste was being collected.² Further, enforcement of the country's waste disposal requirements were insufficient to prevent leakage of waste into the environment.

¹ <https://www.marinelittersolutions.com/what-we-do/progress-report/>

² <http://documents.worldbank.org/curated/en/983771527663689822/Indonesia-Marine-debris-hotspot-rapid-assessment-synthesis-report>

New Barriers to Proper Management

We are deeply concerned that the proposal by Norway will erect new barriers to the responsible shipment, collection, and recycling of used plastics. As proposed, the amendments increase risks of material mismanagement, especially in countries lacking adequate recycling infrastructure. The lack of adequate in-country infrastructure has contributed to the growth of marine debris. The proposal will exacerbate the many problems arising from inadequate municipal waste management infrastructure.

The proposal falls short of its goal of clarifying the types of plastic waste to be classified as presumptively non-hazardous under Annex IX and those wastes covered by the Convention's Prior Informed Consent procedure. Several key terms in the chapeau require further definition and technical review. For example, creating a category of "single polymer uncontaminated plastic waste" demonstrates a limited technical understanding of the plastic recycling process. Processing mixed polymer waste in an environmentally sound manner is common. In fact, there is high demand for used polyethylene terephthalate bottles, which are typically mixed with caps made from polyethylene or polypropylene when shipped for recycling. The mixture of polymers does not limit recyclability, as separating the polymers is easily done after the material is shredded.

The overly restrictive chapeau criteria and lack of clarity in the proposal will lead to confusion and additional barriers to proper collection and recycling of plastic waste. The current references to "contaminated" and "mixed" lack precision, making it difficult to determine which plastic waste streams would fall under the proposed Annex IX listings and which are to be subject to Basel Convention controls. Similarly, the proposal does not differentiate between waste containing mixed polymers that are easily recycled without significant preparatory treatment, versus waste contaminated with non-recyclable material that requires additional processing. Both types of plastic waste are subject to the Prior Informed Consent process. In addition, the list of resins proposed in Annex IX is incomplete based on our initial review of commercially-available products. Many resins approved for use in food packaging applications are absent from the draft list and should be included in the revised B3010 listing.

WPC and ACC recommend utilizing the proposed Partnership on Plastic Waste to review present definitions and key terms. A shared understanding of the meaning of "plastic", "polymer", "contaminated", and "mixed", along with other key terms is critical to evaluating the impact of proposed changes to the waste listings for plastics under the Convention.

The proposal will increase regulatory and logistical burdens without commensurate benefit, create shipping delays, and in some cases result in a ban on trade. The proposed amendments will also increase costs associated with the transboundary movement of post-use plastics, both for governments and private sector actors working to expand recycling. Those challenges will flow from the legal obligation to coordinate approvals between already overburdened competent authorities in the state of export, the state of import, and any transit countries. An expanded listing for certain plastic wastes under Annex II would also impose new requirements for movement documentation, contractual terms and tracking, and recordkeeping. Increased barriers on global plastics trade will lead to increased burdens on local plastic waste management, regardless of whether the sourcing country has adequate domestic recycling infrastructure.

Disincentivizing these shipments through additional costs and regulatory requirements will not solve the source of the littering and will reduce opportunities for responsible recovery. One of the solutions to lack of recycling infrastructure in rapidly developing countries and small island developing states is likely

to be efficient export of plastics to countries that have environmentally sound recycling infrastructure. However, the regulatory requirements from this proposal would create a barrier that is likely to prevent the scaling up of needed solutions to marine litter.

The time, energy, and resources required to negotiate and implement the amendments could instead be directed at more productive global initiatives to improve plastics waste management practices. The Norwegian proposal will do little, if anything, to support infrastructure improvements or mobilize international resources for those purposes. Instead, the plastics recycling industry would be weakened despite the important contributing role it stands to play in addressing marine litter.

Support for Other Actions under the Convention on Plastic Wastes

We support further work under the Basel Convention aimed at combatting marine litter. As an alternative to the new waste listings proposed, we believe Norway's proposal to create a Partnership on Plastic Waste offers a useful global venue to advance policies for sound plastics waste management and reducing leakage of plastic into the ocean. Such an approach will enable the development of initiatives to improve domestic recycling and disposal infrastructure. Experience gained under the partnership could also inform the need for possible amendments to the Convention that would optimize environmentally sound collection, transport and management.

In addition, we support further discussion by parties at the next COP on the value of preparing practical guidance for the development of national inventories of plastic wastes. The development of tools to help interested countries gain insights into the sources and disposition of plastic wastes could better inform decision-makers at the national and international level interested in combatting marine litter. To ensure plastic wastes are properly managed, we also encourage the COP to commence work on updating the 2002 Technical guidelines for the identification and environmentally sound management of plastic wastes and for their disposal to ensure new recycling and recovery technologies and appropriately described.

Sincerely,

Stewart Harris
Director, Marine and Environmental Stewardship
American Chemistry Council

World Plastics Council: The World Plastics Council (WPC) is the platform for cooperation that engages the key leaders in the industry to address common issues and opportunities that are increasingly global. Effective and efficient solutions require global approaches and the WPC provides global leaders with the opportunity to deal with current issues in a fully anti-trust compliant forum, and to proactively address emerging issues before they grow and become more complex and expensive for the industry and society to manage.

American Chemistry Council: The American Chemistry Council represents the leading companies engaged in the business of chemistry in the United States. The business of chemistry supports over 25% of U.S. gross domestic product and creates the building blocks for 96% of all manufactured goods. As an \$800 billion enterprise, our industry provides 822,000 skilled high-paying American jobs. ACC helped establish [The Declaration of the Global Plastics Associations for Solutions on Marine Litter](#) which has led to over 355 projects to reduce marine litter and better control plastic waste. These projects have been undertaken by 74 associations that have signed the Global Declaration in 40 countries. ACC Plastics Division members committed circular economy goals whereby: 100% of plastics packaging is reused, recycled, or recovered by 2040; 100% of plastics packaging is recyclable or recoverable by 2030; and 100% of the U.S. manufacturing sites operated by Plastics Division members participate in [Operation Clean Sweep-blue](#) by 2020, with all of their manufacturing sites across North America involved by 2022.